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Attorney for Defendant
MICHAEL STEVENS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL STEVENS,

Defendant(s).

Cr. S-04-289 WBS

**STIPULATION AND [PROPOSED]
ORDER RE: CONTINUANCE OF
STATUS CONFERENCE AND
EXCLUSION OF TIME UNDER
SPEEDY TRIAL ACT**

Hon. William B. Shubb

STIPULATION

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Matthew Segal, and defendant Michael Stevens, by and through his counsel, Hayes H. Gable III, agree and stipulate to vacate the existing status conference in the above-captioned action, October 12, 2005, and to continue the matter to, November 23, 2005, at 9:00 a.m.

The reason for this continuance is that the parties are in the process of negotiating a disposition in this matter, but additional time is needed for the defense to investigate and research certain matters relating to the defendant's criminal history and consult with the defendant which could have a significant impact on the plea agreement. It is fully anticipated that the defendant will be changing his plea on November, 23, 2005.

The parties further agree and stipulate that the period for the filing of this stipulation until November 23, 2005, should be excluded in computing time for commencement of trial under the

Speedy Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow reasonable time necessary for effective presentation.

It is further agreed and stipulated that the interest of justice served by granting this continuance exceeds the interest of the public and the defendant in a speedy trial.

Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

IT IS SO STIPULATED

DATE: October 10, 2005

s/Hayes H. Gable, III
HAYES H. GABLE, III
Attorney for Defendant

DATE: October 10, 2005

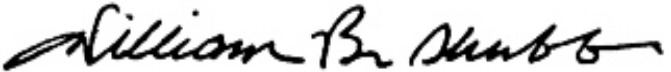
s/Hayes H.a Gable, III for
MATTHEW SEGAL
Asst. U.S. Attorney

ORDER FINDING EXCLUDABLE TIME

For the reasons set forth in the accompanying stipulation and declaration of counsel filed under seal, the status conference in the above-entitled action is continued to November 23, 2005, at 9:00 a.m. The court finds excludable time in this matter from October 12, 2005 through November 23, 2005, under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the Court finds that the interest of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

IT IS SO ORDERED.

DATE: October 11, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE